

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify that this documents, and the identified enclosures and fee as described are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 and is addressed to: Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 24, 2003 Express Mail Label No. EV174746614US by Crystal Ross  
Crystal Ross

Docket No. 57974-5006

Anticipated Classification of this Application: Class \_\_ Subclass \_\_

Prior Application: 09/706,158

Examiner: Alton Nathaniel Pryor

Art Unit: 1614

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional patent application pursuant to 37 CFR § 1.53(b), of pending prior application Serial No. 09/706,158 filed on November 3, 2000, of Tor McPartland (Inventor currently of record in prior application) for the invention entitled "Ant Spray Containing D-Limonene and Methods of Making and Using Same" which is a continuation-in-part of Serial No. 09/218,732 filed on December 22, 1998, which is a continuation-in-part of Serial No. 08/846,351 filed on April 30, 1997, all of which are incorporated by reference in their entireties therein.

Enclosed are:

- ☒ Enclosed is a copy of the prior application and declaration as originally filed.
- I hereby verify that the attached papers are a true copy of the prior application Serial No. 09/706,158 as originally filed on November 3, 2000, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

- ☒ The filing fee is calculated below:
- The below calculation includes claims as filed in the prior application less any claims cancelled by an amendment.


FOR:	NO. FILED	NO. EXTRA	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
			RATE	FEE		RATE	FEE
BASIC FEE				\$ 385.00			\$770.00
TOTAL CLAIMS	24 -20	4	x 9 =	\$ 36.00	OR	x 18 =	\$
INDEP CLAIMS	4 -3	1	x 43 =	\$ 43.00	OR	x 86 =	\$
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$145			+\$290	
TOTAL				\$464.00			

- ☐ Please charge my Deposit Account No. 10-0440 the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☒ Check No. 3255 in the amount of \$375.00 is enclosed to cover the filing fee for this divisional application. **Please CHARGE any deficiency to our Deposit Account No. 10-0440.** A duplicate copy of this sheet is enclosed.
- ☐ Check for \$ \_\_\_\_\_ covering the Recordation of Assignment fee
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0440. A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 CFR 1.16.
  - Any patent application processing fees under 37 CFR 1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 10-0440. A duplicate copy of this sheet is enclosed.
- Any patent application processing fees under 37 CFR 1.17.
  - ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
  - Any filing fees under 37 CFR 1.16 for presentation of extra claims.
- ☒ Prior to calculating the filing fee:
- Cancel in this application original claims 8 and 26 of the prior application. (At least one original independent claim must be retained for filing purposes.)
- ☒ Amend the specification by inserting after the title and before the "FIELD OF THE INVENTION" the sentence:  
--This is a divisional of application Serial No. 09/706,158 filed on November 3, 2000, which is a continuation-in-part of Serial No. 09/218,732 filed on December 22, 1998, now abandoned, which is a continuation-in-part of Serial No. 08/846,351 filed on April 30, 1997, now abandoned.--

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- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)
- ☐ New formal drawings are enclosed and addressed to the Drawing Review Branch.
- ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119. (country)
- ☐ The certified copy of this priority application has been filed in prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
- ☒ An Information Disclosure Statement, Form PTO 1449 citing 17 references. The articles are enclosed.
- ☐ The prior application is assigned of record to \_\_\_\_\_ and recorded on \_\_\_\_\_ under Reel/Frame No. \_\_\_\_\_.  
A copy of the original assignment and Notice of Recordation of the prior application are enclosed.
- ☐ An executed Power of Attorney by Assignee and Exclusion of Inventor Under Rule 3.71.
- ☒ Please address all future communications to:  
ROD S. BERMAN, ESQ.  
JEFFER, MANGELS, BUTLER & MARMARO LLP  
Seventh Floor  
1900 Avenue of the Stars  
Los Angeles, California 90067  
(310) 203-8080
- ☒ A preliminary amendment is enclosed.
- ☐ The amount of \$\_\_\_\_\_ is included in the enclosed Check No. \_\_\_\_\_ to cover the additional claims added by the preliminary amendment.
- ☐ A Verified Statement to Establish Small Entity Status under 37 CFR 1.9 and 37 CFR 1.27.
- ☒ The statement(s) of Small Entity Status filed in the prior application is (are) still proper.

Respectfully submitted,

  
KATHY MOJIBI  
Registration No. 41,409

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